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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/766,722  | 01/28/2004  | Ralph O. Johnson III | 616/15A             | 3459             |
| 23638   | 7590        | 04/29/2005           | EXAMINER            |                  |
| ADAMS EVANS P.A.<br>2180 TWO WACHOVIA CENTER<br>CHARLOTTE, NC 28282 |             |                      | KATCHEVES, BASIL S  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3635                |                  |

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/766,722

Applicant(s)

JOHNSON, RALPH O.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant has cancelled claims 5 and 6 and added new claims 9-11. Pending claims 1-4 and 7-11 are examined below.

#### ***Double Patenting***

The double patenting rejection of the previous office action has been overcome by the terminal disclaimer of 9/30/04.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "said respective complimentary connector" and "the connecting member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,671,578 to Hohmann.

Regarding claim 1, Hohmann discloses a connecting bracket (fig. 5) having a pair of straight arms (156) with connectors (158), a cross member extending between the arms (fig. 5: inverted V shaped portion), the cross member having a curve (where 154 points) to define first and second weld points (fig. 5: on left and right sides of curve 154).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,408,798 to Hohmann.

Regarding claim 1, Hohmann discloses a connecting bracket having two straight spaced apart arms (fig. 2: 54), with connectors on the ends (58), a cross member extending between the arms (56) having more than one curve (fig. 2: see curved opposite edges of 56 leading into 40), defining two weld points (fig. 2: curved edges of 56).

Claims 1-4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,660,342 to Salisbury.

Regarding claim 1, Salisbury discloses a connecting bracket (fig. 8) having first and second laterally spaced arms (67) which are substantially straight, each arm having a connector (69) on an outwardly portion a cross member (61, 63, 62) between the arms, and the cross member having a curve (63) defining two weld points (61 & 62).

Regarding claim 2, Salisbury discloses the connector as being a single wire (fig. 8).

Regarding claim 3, Salisbury discloses the weld points as proximate the opposite ends of the cross member (61, 63, 62).

Regarding claim 4, Salisbury discloses eyelets (69) on the ends.

Regarding claim 9, Salisbury discloses eyes (69) as connectors.

Regarding claim 10, Salisbury discloses the arms (63, 67) as being parallel.

Regarding claim 11, Salisbury discloses the arms (67) as being perpendicular to the cross member (61, 63, 62).

### ***Allowable Subject Matter***

Claims 7 and 8 appear to be drawn to allowable subject matter as in the previous office action.

***Response to Arguments***

Applicant's arguments filed 3/2/05 have been fully considered but are moot under new grounds of rejections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

  
Basil Katcheves

4/27/05

Examiner AU 3635